

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA

V

3:10-00260-3

AHMAD ABULNASIR AHMAD

MOTION TO REMOVE PARAGRAPH ONE FROM THE SECOND
SUPERCEDING INDICTMENT AS SURPLUSAGE

Comes the defendant by and through counsel to move this Honorable Court to
remove Paragraph One from the Second Superceding Indictment as surplusage,
pursuant to Rule 7(d) of the Federal Rules of Criminal Procedure. The defendant
specifically objects to reading paragraph one of the Second Superceding Indictment to the
Jury as it contains allegations that are not charged in the indictment. Paragraph Two
adequately states the charges against the defendants.

Paragraph One alleges that the defendants are members of two gangs, which is not
a charge found in the Second Superceding Indictment, and is prejudicial to the
defendants. The gang appellation will inflame the jury and is inappropriate unless and
until a gang affiliation is proved by testimony.

Paragraph One, parts e and f contain the same information found in the paragraph
two and allows the Government to have the defendants names listed twice in order from
one to thirty, in addition to being listed in the remaining allegations in the indictment.

Wherefore Defendant Ahmad moves the Court to prevent paragraph one from
being read to the Jury.

8/10/12
Motion that
paragraph 1 is
redundant to the
verdict
18 USC
81591(e)(5)
this
motion
10/10/12
11/11/12
2-18-12